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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,615	07/09/2003	Liwei Ren	DOGO.P012	3359

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EXAMINER
AHLUWALIA, NAVNEET K

ART UNIT	PAPER NUMBER
2166	

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/616,615	REN ET AL.
	Examiner	Art Unit	
	Navneet K. Ahluwalia	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09 July 2003_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-12_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-12_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _09 July 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _01/18/2006_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The application has been examined. Claims 1 – 12 are pending in this office

action.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claims 8, 9 and 12 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

MPEP 2106 IV.B.2.(b)

A claim that requires one or more acts to be performed defines a process. However, not
all processes are statutory under 35 U.S.C. 101. Schrader, 22 F.3d at 296, 30 USPQ2d at 1460.
To be statutory, a claimed computer-related process must either: (A) result in a physical
transformation outside the computer for which a practical application in the technological arts is
either disclosed in the specification or would have been known to a skilled artisan, or (B) be
limited to a practical application within the technological arts.

Claims 8 – 9, in view of the above-cited MPEP sections, are not statutory

because they merely recite a number of computing steps without producing any tangible

result and/or being limited to a practical application within the technological arts. The

use of a computer has not been indicated.

These claims do not indicate use of hardware on which the software runs to

perform the steps recited in the body of the claim. The use of a computer is not evident

in the claim.

Claim 12 is rejected because the language of claim 12 in view of the definition of

the computer readable medium from the detailed description of the embodiments raises

a question as to whether the result in a practical application produces a concrete useful,

and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

If the claim language were changed to "computer readable storage medium" it

would overcome the 35 USC 101 rejections.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

4.   Claims 1 - 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Multer

et al. ('Multer' herein after) (US 6,694,336 B1).

With respect to claim 1,

Multer discloses a system for updating electronic files of remote devices (Figure

9B), comprising: a first device including a file differencing engine that generates

differences between an original version and a new version of an electronic file (Figure 6

and column 7 lines 29 – 44, Multer) by: identifying a first type of difference between the

original and the new versions (column 4 lines 5 – 8, Multer); generating a modified

version of the original version using information of the first type of difference (column 4

lines 13 – 18, Multer); generating encoded differences between the modified version

and the new version, wherein the encoded differences include a second type of difference between the original and the new versions (column 4 lines 17 – 19, Multer); encoding the information of the first type of difference (column 14 lines 9 – 26, Multer); generating a difference file including the encoded differences and the encoded information of the first type of difference (column 39 lines 29 – 65, Multer); and a file updating engine hosted on the remote device, the file updating engine generating a copy of the new version using the difference file (column 4 lines 5 – 13, Multer).

With respect to claim 2,

Multer discloses the system of claim 1, wherein generating a copy of the new version using the difference file further comprises: receiving the difference file (column 4 lines 8 – 9, Multer); reading the encoded information of the first type of difference (column 4 lines 9 – 10, Multer); generating a modified version of the original file using the encoded information of the first type of difference (column 4 lines 11 – 12, Multer); and generating a copy of the new file using the modified version of the original file and the encoded differences between the modified version and the new file (column 14 lines 9 – 20, Multer).

With respect to claim 3,

Multer discloses the system of claim 1, wherein the first type of difference includes at least one of differences resulting from address shifts due to source code line deletions, differences resulting from address shifts due to source code line additions,

differences resulting from address shifts due to source code line modifications,

differences resulting from address shifts due to code block swapping, and differences

resulting from compiling/linking the new version (column 39 lines 29 – 43, Multer).

With respect to claim 4,

Multer discloses the system of claim 1, wherein the second type of difference

includes at least one of differences resulting from source code line deletions,

differences resulting from source code line additions, differences resulting from source

code line modifications, differences resulting from data initialization changes,

differences resulting from resource file changes, differences resulting from configuration

file changes, and differences resulting from dictionary changes (column 39 lines 29 – 43

and 59 – 67, Multer).

With respect to claim 5,

Multer discloses the system of claim 1, wherein the remote device includes at

least one of cellular telephones, portable communication devices, personal digital

assistants, personal computers, and portable processor-based devices (column 9 lines

35 – 60 and Figure 8, Multer).

With respect to claim 6,

Multer discloses an apparatus for generating difference files, comprising: means

for identifying a first type of difference between an original file and a new file, wherein

the new file includes an updated version of the original file (column 4 lines 5 – 8,

Multer); means for generating a modified version of the original file using information of

the first type of difference (column 4 lines 13 – 18, Multer); means for generating

encoded differences between the modified version and the new file, wherein the

encoded differences include a second type of difference between the original and the

new files (column 4 lines 17 – 19, Multer); means for encoding the information of the

first type of difference (column 14 lines 9 – 26, Multer); and means for generating a

difference file including the encoded differences and the encoded information of the first

type of difference (column 39 lines 29 – 65, Multer).

With respect to claim 7,

Multer discloses the apparatus of claim 6, further comprising means for

transferring the difference file to a remote system that hosts a copy of the original file,

the remote system updating the hosted copy of the original file using the difference file

(Figure 9B and column 4 lines 5 – 13, Multer).

With respect to claim 8,

Multer discloses a method for generating difference files, comprising: receiving

an original file and a new file, wherein the new file includes an updated version of the

original file (Figure 6 and column 7 lines 29 – 44, Multer); identifying a first type of

difference between the original file and the new file (column 4 lines 5 – 8, Multer);

generating a modified version of the original file using information of the first type of

difference (column 4 lines 13 – 18, Multer); generating encoded differences between the

modified version and the new file, wherein the encoded differences include a second

type of difference (column 4 lines 17 – 19, Multer); encoding the information of the first

type of difference (column 14 lines 9 – 26, Multer); and generating the difference file

including the encoded differences and the encoded information of the first type of

difference (column 39 lines 29 – 65, Multer).

With respect to claim 9,

    Multer discloses the method of claim 8, further comprising: transferring the

difference file to at least one remote system (Figure 17) via at least one coupling,

wherein the remote system includes at least one processor-based system, wherein the

coupling includes at least one of a wireless coupling, a wired coupling, and a hybrid

wireless/wired coupling; and updating a hosted copy of the original file in the remote

processing systems using the difference file (column 5 lines 46 – 55, column 10 lines 49

– 55 and column 12 lines 58 – 64, Multer).

With respect to claim 10,

    Multer discloses a method for updating electronic files hosted on remote systems

(Figure 9B), comprising: receiving an original file and a new file, wherein the new file

includes an updated version of the original file (Figure 6 and column 7 lines 29 – 44,

Multer); identifying a first type of difference between the original file and the new file

(column 4 lines 5 – 8, Multer); generating a modified version of the original file using

information of the first type of difference (column 4 lines 13 – 18, Multer); generating

encoded differences between the modified version and the new file, wherein the

encoded differences include a second type of difference (column 4 lines 17 – 19,

Multer); encoding the information of the first type of difference (column 14 lines 9 – 26,

Multer); generating a difference file including the encoded differences and the encoded

information of the first type of difference (column 39 lines 29 – 65, Multer); and updating

a hosted copy of the original file in the remote systems using the difference file (column

4 lines 5 – 13, Multer).

With respect to claim 11,

Multer discloses the method of claim 10, wherein updating further comprises:

receiving the difference file (column 4 lines 8 – 9, Multer); reading the encoded

information of the first type of difference (column 4 lines 9 – 10, Multer); generating a

modified version of the original file using the encoded information of the first type of

difference (column 4 lines 11 – 12, Multer); and generating a copy of the new file using

the modified version of the original file and the encoded differences between the

modified version and the new file (column 14 lines 9 – 20, Multer).

With respect to claim 12,

Multer discloses a computer readable medium including executable instructions

which, when executed in a processing system (Figure 9A, 9B), generate a difference file

that includes coded differences between an original file and a new file by: receiving the

original and the new file, wherein the new file includes an updated version of the original

file (Figure 6 and column 7 lines 29 – 44, Multer); identifying a first type of difference

between the original file and the new file (column 4 lines 5 – 8, Multer); generating a

modified version of the original file using information of the first type of difference

(column 4 lines 13 – 18, Multer); generating encoded differences between the modified

version and the new file (column 4 lines 17 – 19, Multer); encoding the information of

the first type of difference (column 14 lines 9 – 26, Multer); and generating a difference

file including the encoded differences and the encoded information of the first type of

difference (column 39 lines 29 – 65, Multer).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-272-5636. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Navneet K. Ahluwalia
Examiner
Art Unit 2166

Dated: 01/18/2006

MOHAMMAD ALI
PRIMARY EXAMINER